

Douglas W. Raymond
23 Martha Road
Orinda CA 94563
Sept. 23, 2003*

Federal Communications Commission

Chairman Michael K. Powell:
Commissioner Kathleen Q. Abernathy:
Commissioner Michael J. Copps:
Commissioner Kevin J. Martin:
Commissioner Jonathan S. Adelstein:

Subject: **Comcast Internet Monopoly**

Dear Commissioners:

Your authority:

Sorry I am delayed in writing, but I had originally thought the County or the City was in charge of regulating the local internet cable monopoly, and it took a couple of months for the County to tell me that the FCC is in charge. It never occurred to me that a Federal agency would be the regulator for what is essentially a regional internet on-ramp. According to what I have read recently, the FCC was put in charge because of the interstate nature of the Internet, even though my particular ISP is only a small part of that whole. So if you are indeed in charge of regulating Comcast's cable service in Northern California, I have some history to relate, and a few requests.

Service:

First let me tell you what I expect of an ISP – the S (Service) is the most important part. Without the S, it is merely "IP." Over several years as an internet subscriber, I have been provided with "service" from a number of different companies, due to a chain of corporate acquisitions. My service gets worse each time. The most recent change – Comcast taking over ATTBI -- was spectacularly bad.

Monopoly:

Nobody else offers cable modem service in my area, so I must consider Comcast a monopoly. A Comcast spokesman once tried to convince me that Comcast is NOT a monopoly, in that I am free to use a telephone based service instead. I do not agree, since telephone based service – even "DSL," at one-fifth the speed – is qualitatively different from cable modem service. If the Commission is divided on the existence of a monopoly, I suggest you resolve the matter quickly: the monopoly/non-monopoly status of Comcast will either give you a handle to exert power over them, or take it away.

History of my complaint:

My purpose in writing to the County and the City governments was to complain about the fact that Comcast service is not what I used to get with the previous suppliers (first "@Home.com" and then "attbi.com," who took over @Home). We customers were given no say in the adjustments that Comcast made. Comcast had promised the change would be painless and transparent, but it was not (see details below). I first complained to Comcast and obtained no relief. They had the nerve to tell me the changes they made were to serve me better and save me money, but neither of these assertions proved true. I then complained to the County and City governments and found out from the County that my complaint needs to go not to them, but to you.

My list of gripes:

1. Lost web sites:

Six web sites I had created at <http://editionsofeight.home.attbi.com>, etc. are effectively lost in cyberspace. They can no longer be reached at their former URL's. Comcast has moved them to new addresses - with "comcast.net" replacing "attbi.com." There is no forwarding, and there is no clue at all as to where the page has moved. Try that link above and see what you get. The new address is <http://editionsofeight.home.comcast.net> but you will not be given any way to discover this. My web page is therefore essentially off the air until somehow the people who had previously known it stumble across the new URL, or until I go to the trouble of contacting all of them, and I don't even know them so how could I even do that. I asked Comcast to provide URL forwarding, and they declined. The old URL forwards the hapless internet surfer to a dead end page at Comcast. Comcast people I spoke to about this were undeservedly proud of themselves for having kept my pages on line, even though these pages are no longer reachable.

2. Cost of stationery and time:

The relocation of my web sites and the change of my email addresses will cost me a hundreds of dollars to print new stationery and distribute new cards. I will spend many hours contacting people to tell them my sites have moved and that they need to change their records of my email address and web pages. Comcast has declined my request that they pay for this. Friends, it's like having the post office change your zip code, or the city change the name of your street. I could understand it if it were a matter of crowding and overuse (such as the area code changes we have had in recent years due to the growth in fax and cell phone connections). In contrast, Comcast's uprooting of old domain names was arbitrary, unnecessary, high-handed and uninvited.

3. Crippled dial-up service:

ATTBI used to provide a usable dial-up service for use while traveling. Comcast's dial up service is different, and it's hardly an equivalent. What did I like that I no longer have? The ATTBI dialup service provided regular POP3 and SMTP servers. These made it possible to get and send mail using my laptop's normal Microsoft Outlook Express client. Comcast does not provide POP3 and SMTP servers, so I can no longer use my Outlook Express client while traveling. When I complained to Comcast, Comcast told me that I should use their "web mail" service while on the road. Well, I'll tell you, in my most appropriately erudite language, that really sucks. The web mail interface is incredibly slow. It is unbelievably slow. It takes several tens of seconds to find a letter, and several tens more to get back to the page where the letters are listed. This hurts in three ways. It **robs me of time** I would spend in other activities – an evening session catching up with a day's email can take an hour instead of a few minutes. It also **burns up my connect time allowance** at the dialup provider, because I must maintain the connection while I read and compose messages. If I could use my Outlook client as I used to, I would consume only a few seconds of connect time – first downloading all my incoming messages, and another few seconds afterward, to upload all my outgoing replies and new outgoing messages. I worked this way regularly on attbi before Comcast took over. Worse yet, when I use web mail, the **messages do not get stored in the mailboxes of my Outlook Express client**, so I have to spend time later, filing them where I want them, and potentially making mistakes in the process.

What will make me happy:

Commissioners, I realize it is too late to get the ATTBI domain name back, and as to compensation for my expenses and wasted time, well that's a good laugh isn't it. But is there some way you can compel Comcast to give me back a bit of what I had before, to wit: 1. get them to provide **forwarding for my old web page URLs**, and 2. get them to **turn on the POP3 and SMTP servers** so I can handle my mail in a regular way while dialed up instead of cable-modemmed in? Additionally, as a monopoly, they should be compelled to put (1) **visible notices** on their web pages and service bulletins **that the FCC is their regulator**, and (2) the notice should contain a **hyperlink to the FCC's complaint address**. I'd be happy to draft all that for

you if you are too busy. As things stand now, it took me three or four months to discover that the FCC was the cognizant regulatory body: such a **notice and hyperlink** would have reduced three or four months to three or four seconds.

The facts speak for themselves – **cable service is a monopoly** – an octopus with a stranglehold on its customers. There is no competitor. Comcast's customer interaction style is that of a monopoly. These bandits would rapidly lose their customers if there were any decent competition. If Comcast had any competitive spirit, they'd know better than to treat their customers in this high-handed manner. Monopolies are supposed to be supervised in America, aren't they? Or have the commies finally taken over? It is up to you folks to see that this organization treats the people fairly, so please do your job.

Your constituent

Douglas W. Raymond
23 Martha Road
Orinda CA 94563
douray@comcast.net

Cc: Senators Feinstein and Boxer, Rep. George Miller 7th Dist.

*based on a letter originally sent to FCC commissioners via email August 26th 2003. I received a reply from C. Howell telling me in effect I had sent it to the wrong address inside the FCC. I couldn't tell if he had forwarded it himself, so I am sending another to the ecfs address, with a few edits and clarifications, and providing copies to my elected legislators. Here's the body of Howell's letter:

-----//----- attached reply from C. Howell -----//-----

Thank you for contacting the Federal Communications Commission.

When the Commission made the declaratory ruling that cable modem service was under the jurisdiction of the FCC because it was an interstate information service and was not a cable service as defined in the Communications Act of 1934, the Commission also opened a Notice of Proposed Rulemaking (NPRM) proceeding. In this proceeding, the FCC is examining the jurisdictional extent in which the FCC and the State will have in processing cable modem complaints.

Once the Media Bureau examines and reviews all comments submitted and clarifies our role, and provides guidelines, we will have a clearer procedure in processing future cable modem complaints/inquiries.

The NPRM is currently pending and will be acted on by the Commission at some future undetermined date. The matter is currently before the Media Bureau in CS Docket Number 02-52.

The public is welcome to submit their comments and/or follow this proceeding by accessing the FCC's Electronic Comment Filing System (ECFS) at this web site: <http://www.fcc.gov/e-file/ecfs.html>

ECFS is designed to give access to Commission rulemakings and docketed proceedings via the World Wide Web. ECFS will accept electronic comments in certain proceedings; scan in paper documents; and allow research, retrieval, and printing of any documents in the system.

If your cable modem service is provided via a contract, you may wish to contact your local consumer protection office and/or state Attorney General's office for guidance. You may also wish to file your complaint with the FCC by calling our Consumer Center toll free at 888-225-5322.

Hope this information proves helpful.

C. Howell
Consumer & Governmental Affairs Bureau
Information Access & Privacy Office
202-418-1110

-----// end attached reply //-----